

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JAMES WILLIAMS, DECEASED, BY  
AND THROUGH MARGIE WILLIAMS,  
AS ADMINISTRATRIX OF THE  
ESTATE AND ON BEHALF OF THE  
WRONGFUL DEATH BENEFICIARIES  
OF JAMES WILLIAMS, DECEASED,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 4:04CV116-P-B**

**NED HOLDER, INDIVIDUALLY AND  
IN HIS OFFICIAL CAPACITY AS  
SHERIFF OF SUNFLOWER COUNTY,  
MISSISSIPPI; SUNFLOWER COUNTY,  
MISSISSIPPI; JAMES MOORE,  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY AS SUNFLOWER COUNTY  
JAIL ADMINISTRATOR; BOBBIE PATTON,  
INDIVIDUALLY AND AS DEPUTY SHERIFF  
OF SUNFLOWER COUNTY, MISSISSIPPI;  
AND JOHN DOE(S), INDIVIDUALLY AND  
AS DEPUTY SHERIFF OF SUNFLOWER  
COUNTY, MISSISSIPPI,**

**DEFENDANTS.**

**ORDER**

This matter comes before the court upon Defendants' Motion to Dismiss and for Qualified Immunity, and in the Alternative, Motion for Summary Judgment [11-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

Given subsequent activity on the docket, *i.e.*, the amendment of the complaint and the filing of the defendants' new motion for summary judgment, the court concludes that the instant motion is moot.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Defendants' Motion to

Dismiss and for Qualified Immunity, and in the Alternative, Motion for Summary Judgment [11-1] is hereby **DENIED AS MOOT**.

**SO ORDERED** this the 25<sup>th</sup> day of May, A.D., 2005.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE